

REMARKS

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 USC § 112. Thus, the Applicant believes that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification and abstract amendments

Various amendments have been made to the specification to correct minor inadvertent grammatical, punctuation, spelling and formal errors.

The Examiner has objected to the Applicant's specification, as filed, owing to the presence of two informalities. One is mis-spelling of the word "from" as "form"; the other is a lack of trademark designation for the term "Bluetooth". Both of these informalities have now been corrected. Hence, these objections should be withdrawn.

The Applicant has also rewritten his abstract to provide enhanced clarity and delete reference numerals. A substitute abstract is attached hereto.

Claim status

The Applicant has now canceled claims 1-15 and replaced them with new claims 16-22. The new claims more precisely define the present invention than did the prior, now canceled claims.

Claim Objections

The Examiner has objected to claims 6, 12 and 13 as a result of various informalities contained in those claims.

All these claims have now been canceled. Hence, these objections are moot. None of new claims 16-22 contains these informalities.

These objections should now be withdrawn.

Rejections

A. Rejections under 35 USC § 101

The Examiner has rejected prior claims 1-14 under the provisions of 35 USC § 101 as reciting non-statutory subject matter.

Specifically, the Examiner states that prior method claims 1-10 were merely directed to converting between two data types, which is an abstract idea. The Examiner also states that prior claims 11-13, though directed to a "platform", do not fall into a statutory category of "machine, manufacture, composition of matter or process, and hence also constitute an abstract idea. Similarly, the Examiner states that prior claim 14, which is directed to "software", also does not fall into one of these statutory categories and thus also constitutes an abstract idea.

Inasmuch as claims 1-14 have now been canceled, this rejection is also moot.

New claims 15-22 are method claims. There are no pending claims to a "platform" or "software".

New independent claim 15 recites a method for use in a telecommunications network for handling communication between two user terminals where a user at one terminal is providing data in one data type and through the method the data is converted and provided, in a second data type, to another terminal for rendering thereat. The method recites certain signaling and communication of particular information among the user terminals, a server and a service platform, all connected to the network, and particular operations performed with the server and the platform. As the Examiner can appreciate, the recited method involves specific steps performed by physical structures to accomplish a concrete, tangible result, namely and broadly speaking, network communication of data between two user

terminals. Such method are clearly statutory, without extended discussion, under the provisions of 35 USC § 101.

Hence, this rejection should now be withdrawn as well.

B. Rejection under 35 USC § 112

The Examiner has rejected claims 4 and 10 under the provisions of 35 USC § 112 as being indefinite.

Specifically, the Examiner pointed to a limitation "said server" in both of these claims as lacking sufficient antecedent basis. Further, claim 4 recited the limitation "the same physical location" which rendered the claim unclear.

Inasmuch as both of these claims have now been canceled this rejection is also moot. Nevertheless, independent claim 15 recites "a server" and thus provides requisite antecedent basis for its reference in all those dependent claims that recite the term, specifically dependent claims 17 and 19. As to the recitation "the same physical location", claim 19 recites that "the service platform and the server are situated at a common physical location", meaning that both of these devices are physically co-situated.

The Applicant submits that all its pending claims, which have been drafted to fully conform to US claim practice, are all sufficiently definite under and thus comply with the requirements of 35 USC § 112.

Consequently, this rejection should be withdrawn.

C. Rejection under 35 USC § 102

The Examiner rejected claims 1-14 under the provisions of 35 USC § 102(b) as being anticipated by the teachings in the '733 Tso et al patent (United States patent 6,421,733 issued to M. M. Tso et al on July 16, 2002). Inasmuch as all these claims have now been canceled, this rejection is also moot. Nevertheless, since these claims have been replaced by new claims 15-22, this rejection will be discussed in the context of these new claims and principally with respect to independent claim 15. In that context, this rejection is respectfully traversed.

The Examiner takes the position that all the limitations of these prior claims are identically disclosed in the '733 Tso et al patent. As the Examiner will soon appreciate, this conclusion is not correct with respect to new claim 15.

Specifically, the '733 Tso et al patent describes an approach for dynamically transcoding data through a centralized service provider. As defined in col. 2, line 48 et seq of that patent, the term "transcode" broadly speaking encompasses any data manipulation, including adding, modifying or deleting data. As described in col. 1, line 59 et seq, the patentee recognizes that conventional proxy servers merely function as conduits for data passing through them and do not manipulate that data. Given that a need exists, as noted in col. 1, line 25 et seq, to manipulate data after it has been transmitted from a client computer

but before it reaches a network server, the patentee developed an approach for a "smart proxy" to examine data passing through it and perform a requested manipulation on it.

To accomplish this, the patent teaches, in col. 3 line 8 and with specific reference to accompanying FIG. 2, the use of transcoder 20 having parser 22 and one or more transcode service providers 24. The transcoder may be a software module installed in a network proxy, in a client device, in a content server or even, as shown in FIG. 3, in remote transcoding server 34.

Regardless of its location and to the extent relevant, the transcoder functions rather simply. Parser 22 examines incoming data and, based on predefined selection criteria, invokes a given transcode service provider to specifically process that data before sending it onward to its destination. Specific selection criteria are described in col. 7, line 20 et seq and, to the extent relevant to the present invention, may include content characteristics, such as its data type.

As described in col. 3, line 51 and with reference to the embodiment shown in FIG. 3, one or more transcode service providers may compress and/or scale different types of data content, such as image, video or HTML content. Furthermore, as indicated in col. 8, line 41 et seq, such transcoding may be used to dynamically translate data, specifically from one type to another, and illustrated by translating web pages from their original language(s) into a user's native language (the latter being specified manually

by a user-defined preference, or automatically based on a physical location of a network client or the transcoding server).

The present invention also converts data from one type to another, but does so for an entirely different purpose and in an entirely different manner than taught by the '733 Tso et al patent.

Specifically, the Applicant has recognized, as discussed on page 1, line 13 et seq of the present specification, that a network user, such as a mobile caller, who inputs data in one form, such as text through his mobile telephone, would like the called party to receive that data in another form, such as streaming audio. However, the caller, owing to limitations of the terminal and/or a lack of knowledge or ability of that user himself, oftentimes is unable to record and send a streaming audio file. Moreover, the recipient may not have either installed an appropriate media player to handle that data form or may be unable to do so. The Applicant teaches an approach for accommodating this need without requiring appropriate data conversion facilities located on either terminal.

In essence, and as discussed in, e.g., page 4, line 17 and with reference to FIG. 1 (the sole drawing in the present application), the inventive approach relies on a server and a centralized service provider that are both connected, along with the two user terminals, to telecommunications network 3. The user enters data 10 in one form, such as text, through his user terminal 1. That

data, in turn, is routed, along with a destination address, through the network to server 4.

As discussed in page 6, line 19 et seq of the present application, the server stores the data and forms identification code 11 which is also stored with the data; with the code identifying the server. The data, together with the code, is then provided to service platform 5. The platform verifies the identification code and, if it is valid, then stores the data internally. The platform also provides activation code 12 for this data, where that specific code references the data. The platform returns its address, in the form of a URL, and the activation code back to the server.

In order to communicate this data to the called party's user terminal, server 4 builds a web page that contains an appropriate media player, for an output version of the data and which can be used by that terminal, and also the activation code and an address (e.g., its URL) of the service platform. Also, the server sends a message, illustratively an e-mail message, containing a link that itself contains the activation code and the platform address, to the called party's user terminal. Once the message is displayed, that party can retrieve the data by first clicking on the link to get the web page and then clicking on an address or link displayed in the page. Once the latter operation occurs, that terminal sends a response message, containing the activation code, to the platform. On receipt of this message, the platform retrieves the stored data and converts it from its original form, e.g. text, into output data having the proper form, e.g.

streaming audio, for rendering at the called party's terminal. The platform then sends the output data to the called party's terminal where it is then rendered by the media player.

Advantageously, data conversion is handled through a centralized and separate service provider which:

(a) eliminates a need that might otherwise arise to perform localized data conversion in either the caller or called party's user terminal, and (b) can charge the caller or called party for the service of converting the data from one form to another, hence monetizing the conversion process. Furthermore, this inventive process eliminates the need for a called party to install a particular media player in its user terminal, as that player is automatically provided to that terminal once that party requests the data. Also, data is converted only after the called party requests it and not before, thus eliminating any need to convert and store converted data for which no such request has yet been made, thus saving processing time and storage space.

While the '733 Tso et al patent teaches the concept of centralized data conversion in the context of its inclusion in a proxy server, this patent is **totally devoid** of any teachings, whether express or even implicit, of the inventive concepts of:

(a) using a network-connected server to form a web page containing a media player for use by a called party terminal and then send a message to that party through which that party can request the data and then have it rendered through the player; and

(b) a remote service platform (operated by, e.g., a service provider) which stores the data in the form provided by the calling party, and, as a result of a request from the called party (caused by a proper response by that party to the message and the web page, the latter signifying that the called party invoked the player) converts that data into its output form and sends that converted data to the called party's user terminal for rendering through the media player.

The '733 Tso et al patent simply stops **way short** of suggesting any of these inventive teachings.

Claim 15 contains suitable limitations directed to the distinguishing features of the present invention. In that regard, this claim recites as follows, with some of those limitations being shown in a bolded typeface:

"A method for use in conjunction with a telecommunications network communicatively connecting a first user terminal associated with an originating network-user and second user terminal associated with a receiving network-user, for providing input data of a first data type, entered by the originating network-user through the first user terminal, as output data, of a second data type, to the second user terminal for display thereat to the receiving network-user, the method comprising the steps of:

receiving, from the first user terminal, the input data in a server connected to the network;

transmitting the input data, from the server and via the network, to a service platform, the service platform being connected to the network and remote from the first and second user terminals; and

storing, in the platform, the input data along with an activation code referencing the input data;

forming, in the server, a web page containing a media player associated with the second data type, the activation code and an address of the platform;

sending, from the server and through the network, a message to the second user terminal, the message containing a link to the web page;

sending, from the server and upon receipt of an indication from the second user terminal that the receiving network-user has invoked the link in the message, the web page to the second user terminal; and

upon receipt of a response at the platform, comprising the activation code, from the second user terminal signifying that the user has invoked the media player, the steps performed in the platform of:

accessing, through use of the activation code, the stored input data;

converting, through the platform, the stored input data from the first data type into the output data of the second data type; and

transmitting the output data, from the platform and via the network, to the second user terminal to be rendered, via the second user terminal and through the media player, to the receiving network-user." [emphasis added]

Thus, in the absence of these, among other, claimed distinguishing features being disclosed, let alone identically, in the teachings of the '733 Tso et al patent, the Applicant submits that claim 15 is not anticipated by those teachings. Accordingly, claim 15 is patentable under the provisions of 35 USC § 102(e).

Each of claims 16-22 directly depends from new independent claim 15 and recites further distinguishing aspects of the present invention over those recited in claim 15. Hence, the Applicant submits that each of new claims 16-22 is also not anticipated by the teachings of the '733 Tso et al patent for the exact same reasons set forth above with respect to claim 15. Consequently, each of these

Appl. No. 10/527,484
Amdt. dated Nov. 9, 2007
Reply to Office Action of Aug. 9, 2007

dependent claims is also patentable under the provisions of 35 USC § 102(b).

Therefore, this rejection should also now be withdrawn.


Conclusion

Thus, the Applicant submits that none of the claims, presently in the application, is anticipated under the provisions of 35 USC § 102. Furthermore, the Applicant also submits that all of these claims now fully satisfy the requirements of 35 USC § 112.

Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

November 9, 2007


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Appl. No. 10/527,484
Amdt. dated Nov. 9, 2007
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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

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